

**Effective May 3, 2004. Subject to further change after comment period.**

**Rule 2. Suspension of Rules.**

In the interest of expediting a decision, the appellate court, on its own motion or for extraordinary cause shown, may, except as to the provisions of Rules 4(a), 4(b), 4(e), 5(a) and 48, 52, and 59, suspend the requirements or provisions of any of these rules in a particular case and may order proceedings in that case in accordance with its direction.

**Advisory Committee Note** - Rule 4(b) is added to the list of those rules that the appellate court may not suspend. The former list of rules that the appellate court could not suspend concerned procedures and time limits that confer jurisdiction upon the court. Under Rule 4(b), the post-judgment motions listed must be filed in a timely manner in the trial court. If the motions are not filed in a timely manner, the appellant may not take advantage of Rule 4(b) that allows 30 days from the disposition of the motion to file the appeal. Both appellate courts treat the failure to file post-judgment motions in a timely manner as a jurisdictional defect. *Burgers v. Meredith*, 652 P.2d 1320 (Utah 1982).